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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,580	03/24/2006	Noriyuki Sakoh	286653US6PCT	5060
22850	7590	03/11/2009	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2165	
			NOTIFICATION DATE	DELIVERY MODE
			03/11/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Advisory Action Before the Filing of an Appeal Brief	Application No. 10/573,580	Applicant(s) SAKOH ET AL.	
	Examiner SON T. HOANG	Art Unit 2165	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: None.
 Claim(s) objected to: None.
 Claim(s) rejected: 1-19.
 Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Christian P. Chace/
 Supervisory Patent Examiner, Art Unit 2165

/S. T. H./
 Examiner, Art Unit 2165

Continuation of 3. NOTE:

Applicant has amended independent claims 1, 10, 15-18 to narrow the step of "controlling reproduction of the contents data" to be based on reproduction criteria included in the content attributes information. Applicant's amendment changed the scope of these claims.

Furthermore, each of the newly added claims 20-25 recites a limitation of "restricting reproduction of the contents data to a number of times a user is authorized to reproduce the content data". This limitation has not been addressed in the prosecution process, thus introduces a new subject matter into the claims.

Applicant's amendment requires further search and examination. Hence, the amendment filed on February 20, 2009 will not be entered.

Continuation of 11. does NOT place the application in condition for allowance because:

Since the amendment filed on February 20, 2009 will not be entered, the Office action mailed on January 7, 2009 is hereby sustained. An excerpt of the Office action is reproduced below:

Claims 1, 10, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama et al. (Pat. No. US 7,117,253, filed on November 5, 2002; hereinafter Nakayama) over Kuroda (Pat. No. US 6,311,011, published on October 30, 2001).

Regarding claim 1, Nakayama clearly shows and discloses a contents acquisition method (Figures 9-10) comprising: transmitting file request information that requests an acquisition/use file containing a contents providing address corresponding to a request for acquiring contents data stored in an external apparatus and an attributes information providing address (when a request to acquire the delivery information 2bb is made from information browsing means 1a with respect to the request relaying means 1c, the request relaying means 1c receives the request and analyzes its content, [0035]. Figure 8 shows the control file of the server computer side that has the host name for accessing the contents 14b or 14c, [0066]-[0067]);

receiving the acquisition/use file corresponding to the file request information (The request relaying means 1c then acquires the server-side control file 2ba managed by the server 2a with respect to which the request has been made, as well as the local-side control file 1ba in the duplicate information storing means 1b, [0035]);

storing the acquisition/use file received (both the sever-side control file 2ba and local-side control file 1ba are retrieved and stored on local computer 1 since the request relaying means 1c is contained within the local computer, [0035]);

determining if contents identification information corresponding to the contents providing address in the acquisition/use file is registered in a database or not (The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison. Note that the local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]);

transmitting contents request information for requesting the contents data corresponding to the contents identification information to the external apparatus if it is determined that the contents identification information is not registered in the database (The local computer 1 also includes request relaying means 1c which, on receiving a request to acquire the delivery information 2bb stored in the delivery information storing means 2b, acquires the server-side control file 2ba and the local-side control file 1ba, compares the attribute information of the requested delivery information 2bb with the attribute information of the duplicate information 1bb corresponding to the requested delivery information 2bb, and determines information to be acquired in accordance with the result of comparison, [0034]. It is well inherent that if the delivery information 2bb is not duplicated in storing means 1b, the request will be directed to sever computer 2);

receiving the contents data transmitted from the external apparatus as a result of transmitting the contents request information to the external apparatus (In response to a request from the local computer 10, the WWW server 21 sends the control file 23a or HTTP content 23b in the database 23. The streaming server 22 sends the control file 24a in the database 24 in response to a request from the local computer 10, and also sends a streaming content 24b in response to a request from the streaming player 12 of the local computer 10, [0046]);

storing the contents identification information as in-storage contents identification information when it is determined that the contents identification information is registered in the database or when the reception of the contents data is completed (Figure 9 shows that in Step 11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]);

transmitting attributes request information for requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information to the attributes information providing address in the acquisition/use file when the storage of the in-storage contents identification information is completed (Figure 9 shows that at Step S15 the version number of the local file detected in Step S10 is compared with that of the server file detected in Step S14, to determine whether or not the server-side

file has a later version number. If the server-side file is of a later version, the flow proceeds to Step S16; if not, the flow proceeds to Step S22, [0085]);

receiving the contents-attributes information corresponding to the attributes request information (After the local-side and server-side control files are acquired, the version numbers of all associated contents are compared with each other. Then, all those contents in the server which are judged to be of later version are acquired and stored in the local-side recording medium. This enables the local computer 10 to handle the latest contents even while the local computer 10 is thereafter used off-line, [0099]);

storing the contents attributes identification information corresponding to the contents attributes information after the completion of the reception of the contents attributes information (Figure 9 shows that in step S11, the server-side control file name corresponding to the set of the hostname and the base pathname detected in Steps S8 and S9 is extracted from the control file 14a, and the control file is acquired from a corresponding server, [0080]);

registering the contents data and the contents attributes information in the database (The local computer 1 includes duplicate information storing means 1b which stores duplicate information 1bb corresponding to the delivery information 2bb in the delivery information storing means 2b and a local-side control file 1ba in which are registered location information indicative of a location within the delivery information storing means 2b where the duplicate information 1bb existed and attribute information of the duplicate information 1bb, [0034]); and

controlling reproduction of the contents data based on the content attributes information (Based on the acquired control files 14a and 24a, the local proxy server determines whether or not a streaming content 14c in the auxiliary storage device 14 is the latest one. If the streaming content is the latest one, the local proxy server reads out this streaming content from the auxiliary storage device 14; otherwise it acquires, via the Internet 30, a streaming content 24b stored in the server computer 20, [0012]).

Nakayama does not explicitly disclose the steps of temporarily storing the received files/information and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database.

However, Kuroda discloses the steps of temporarily storing the received files/information and deleting the temporarily stored information after the completion of the registration of the contents data and the contents attributes information in the database (the video recorder/player records all of content signals in the storage device 105 via the temporary storage device 103. All of content signals are recorded to the temporary storage device 103. After completion of recording all of content signals to the temporary storage device 103, the content signals are copied into the storage device 105. After the video recorder/player has finished recording to the temporary storage device 103 at STEP S301, the video recorder/player moves the content signals from the temporary storage device 103 into the storage device selected at STEP S107 (STEP S302). The content signals recorded to the temporary storage device 103 may be deleted after completion of or in parallel with copying the content signals to the selected storage device, [Column 6, Lines 36-52]).

It would have been obvious to an ordinary person skilled in the art at the time of the invention was made to incorporate the teachings of Kuroda with the teachings of Nakayama for the purpose of providing a fast and efficient way to access multimedia contents by facilitating the use of an electronic program guide ([Abstract] of Kuroda).